



RESOLUTION 2006 - ?
(DRAFT Version #2, as per City Attorney)

**CALLING FOR THREE MEASURES TO BE PUT BEFORE THE VOTERS IN THE NOVEMBER, 2006
GENERAL ELECTION.**

WHEREAS, 12.5 acres on the City's southern boundary were sold to the City of Trinidad in 1988 accompanied by a conservation easement over the property held by the California Coastal Conservancy, and

WHEREAS, the City, the California Coastal Conservancy, Yurok Tribe, and Tsuari Ancestral Society have been working for several years to develop a Management Plan for the 12.5 acres, and

WHEREAS, part of those 12.5 acres was the site of the Yurok Village of Tsurai, and

WHEREAS, the issue of transferring all or part of the City-owned 12.5 acres to the Yurok Tribe has been discussed in public, and

WHEREAS, the residents of Trinidad deserve to express their opinions on such a transfer in a manner that can be authenticated, and

WHEREAS, the elected officials on the Trinidad City Council need to know the opinions of their constituents about transferring all or part of the 12.5 acres to a sovereign Indian nation before they take any action regarding such a transfer, therefore

Resolved that the Trinidad City Council proposes to put the measures below before the voters in the General Election to be held November 7, 2006, and further

Resolved that the voting results for Measures A, B, and C below are advisory only and not binding on the City Council.

Measure A: Do you favor the City retaining ownership of the entire City-owned 12.5 acres on the City's southern boundary? (Yes or No)

Measure B: Do you favor transferring to the sovereign nation of the Yurok Tribe only that part of the City-owned 12.5 acres on the City's southern boundary which contains the Yurok village of Tsurai? (Yes or No)

Measure C: Do you favor transferring to the sovereign nation of the Yurok Tribe the entire City-owned 12.5 acres on the City's southern boundary? (Yes or No)

PASSED, APPROVED, AND ADOPTED on this ? day ? of, 2006, by the following vote:

Ayes: ?
Noes: ?
Absent: ?
Abstain: ?

Gabriel Adams
Trinidad City Clerk

Chi-Wei Lin
Mayor

June 27, 2006

TO: City Council

FROM: Dean Heyenga

SUBJECT: November ballot measures regarding 12.5 acres (**Version #2 as per City Attorney**)

In November three Council seats will be filled and by then the Management Plan for the 12.5 acres will (probably) have been finalized. The new Council will be faced with the complicated decision about the disposition of the 12.5 acres, whether to keep it in City ownership or transfer part or all of it to the Yurok Tribe.

The Council needs to know what Trinidad residents want to do. A public hearing or scoping meeting is not a good way to gauge public opinion since, as we have seen, those meetings can be "arranged" with people promoting one side or the other. If a vocal minority of residents or a group from outside the City strongly urge the Council to support or oppose a particular issue, do they represent the Trinidad community?

The most accurate and authoritative expression of residents' opinions is at the ballot box. November General Elections get a large turnout and this is one reason we moved our Council elections to that date. We can use the November election to gauge the community's wishes for the 12.5 acres.

Jeff Guttero has already opined that a ballot measure cannot be binding on the Council. However, votes can express opinions that can give a Council direction. Based on Jeff's advice, I propose we put the following three measures on the ballot:

Measure A: Do you favor the City retaining ownership of the entire City-owned 12.5 acres on the City's southern boundary? (Yes or No)

Measure B: Do you favor transferring to the sovereign nation of the Yurok Tribe only that part of the City-owned 12.5 acres on the City's southern boundary which contains the Yurok village of Tsurai? (Yes or No)

Measure C: Do you favor transferring to the sovereign nation of the Yurok Tribe the entire City-owned 12.5 acres on the City's southern boundary? (Yes or No)

Voters will be instructed to vote only for one option. Having these measures on the ballot will give the community an issue with which to evaluate Council candidates. The results will also give the new Council direction as to what the community thinks they should do.

I spoke with the County Elections Officer and he said that to qualify for the November ballot, the issues would have to be on the Board of Supervisors' agenda July 26. Materials for that agenda must be to the Board by July 12. However, the Board clerk will allow us to submit draft materials and then confirm them on July 13.

The Elections Officer said that while an attorney's impartial analysis is not required, it is a good idea. However, we could not ask Jeff Guttero for an analysis at our July 12 meeting because of the Supervisors' deadline. That is the reason for tomorrow's special meeting.

Tomorrow, if the Council agrees, we can send the draft Resolution to Jeff for his analysis and also agree to put the issue on the July 12 agenda. For the regular meeting we will have Jeff's comments and consider the Resolution for actual adoption. If Jeff's require changes in the Resolution or ballot measures, those could be made and the Board clerk would still accept the changes.

I realize that with only 24 hours notice, many people will not hear about this proposal. However, by bringing it to the July 12 meeting, we can give the community a chance to understand and comment on the proposal. I contacted all Councilmembers and all said they could make a 2:00pm meeting.

Sincerely,

Dean Heyenga

